FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1720 OF 2004
IN
SUIT NO.1299 OF 2002

Shri Bhavarlal N.Jain ..Plaintiff
V/s.
Smt.Kamlabai P.Solanki ..Defendant

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Prothonotary's orders	Court's or Judge's orders

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Mr.A.A.Joshi i/by Lalit Jain for plaintiff.

Mr.K.K.Jadhav for defendant.

Coram : R.S.Mohite,J

Date : 14.11.2006.

PC

1. This is a Chamber summons for a direction to the Court Receiver to terminate the agency agreement with the defendant and for enhancement of the royalty amount which has been fixed by the Court Receiver as Rs.4000/-. Heard both sides. As far as prayer for termination of agency agreement, this rest on the footing that the defendant has parted with possession. It is seen that when the Chamber summons was earlier

decided and made absolute. When the Court Receiver went to take possession he found that the defendant was in possession. There is nothing except the bare words of the plaintiff alleging that defendant parted with possession. It is sought to be argued that the Court Receiver visited the premises and prepared a report indicating that 3rd party was present in the premises. No copy of the report is annexed alongwith Chamber summons. It is not known whether the 3rd party was a temporary visitor. Hence, prayer clause-(a) is rejected.

2. Prayer clause-(b) is on the footing that in the leave and license of a similarly situated premises, compensation was fixed at Rs.4000/-. Copy of the alleged leave and license is annexed. It is only a typed copy. The area is not mentioned in the agreement. It is not possible to say that the said premises is similarly situated. Prayer clause-(b) also

cannot be granted and stands rejected. Court Receiver to restore the possession to the defendant and to renew his agency on same terms. This procedure should be completed within one week from today. Advocate for the plaintiff seeks stay of this order. Application rejected.

(R.S.Mohite,J)